

December 5, 2008

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENET DEL CID-RENDON, also
known as Rendon Kenet Del Cid,
Carlos Leonel and Keneth Leonel,

Defendant - Appellant.

No. 08-3002

(D. Kansas)

(D.C. No. 2:06-CR-20021-KHV-2)

ORDER AND JUDGMENT*

Before **BRISCOE**, **MURPHY**, and **HARTZ**, Circuit Judges.

Kenet Del Cid-Rendon appeals the sentence imposed after his plea of guilty to charges arising out of a drug conspiracy. He challenges only the substantive reasonableness of the sentence, which was within the advisory guidelines range. Mr. Cid-Rendon argues that his criminal-history category overrepresented his criminal history and that he should not have been treated the same as codefendant

*After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Edguar Lizardo-Figueroa, who was described in the presentence report as the other “lieutenant[]” in the conspiracy. R. Vol. III at 18. Mr. Cid-Rendon has not overcome the presumption of reasonableness that we attach to a within-guidelines sentence. *See United States v. Kristl*, 437 F.3d 1050, 1053–54 (10th Cir. 2006).

We therefore AFFIRM his sentence.

ENTERED FOR THE COURT

Harris L Hartz
Circuit Judge